

Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 9/9/2015 2:50:41 PM
To: Otis, Andrew D. [aotis@curtis.com]
CC: Wilder, Scott [Wilder.Scott@epa.gov]; Cirian, Mike [Cirian.Mike@epa.gov]
Subject: RE: CFAC confidentiality agreement
Attachments: CFAC_AGRMT-CBI_CFAC-EPA_2015.09.09.docx

Mr. Otis:

Thank you for your follow-up email regarding the confidentiality agreement. EPA does not have an objection to either of your requests below, and I have accepted your proposed changes. Attached please find a revised version which incorporates the changes which EPA has accepted. In addition, the attached revised version incorporates a new subparagraph 5c., which clarifies disclosure limitations with respect to other parties in litigation. It substantially mirrors the existing subparagraph 5b which governs disclosures to experts. EPA's proposed changes are highlighted in yellow. Please let me know if you have any questions or concerns about EPA's proposed changes.

In regard to rescheduling our meeting, I unfortunately have conflicts this afternoon and tomorrow morning. I have a message into Mr. Wilder about his availability early next week and will get back to you. Do you have a preferred time next week? My schedule is generally open on Monday and Tuesday except 1-2PM EDT Tuesday).

Thank you.
Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Tuesday, September 08, 2015 11:24 AM
To: Wilder, Scott
Cc: Chalfant, Mark
Subject: RE: CFAC confidentiality agreement

Dear Scott,

Thanks very much for sending us the proposed confidentiality agreement. Attached please find the Agreement in Word form with some comments from CFAC in track changes. Our comments are intended to address two issues:

1. We would like to share in the information with the entity that owns the membership interests of CFAC, thus we have added the ability to share the data with CFAC and its affiliates.
2. We would like the ability to use the past cost information that will be provided under agreement in cost recovery litigation, if applicable.

The document may be subject to further review and comment by my client.

Please feel free to contact me if you have any questions or would like to discuss these proposed changes or this agreement.

Best regards,

Andrew Otis

Andrew D. Otis
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Before printing this e-mail, please consider the impact on the environment.

From: Wilder, Scott [<mailto:Wilder.Scott@epa.gov>]
Sent: Thursday, August 27, 2015 3:00 PM
To: Otis, Andrew D.
Cc: Chalfant, Mark
Subject: CFAC confidentiality agreement

Mr. Otis:

Attached please find the proposed confidentiality agreement that Mr. Chalfant mentioned in his email to you yesterday. Upon receipt of the executed agreement, EPA will return a fully signed copy of the agreement with the cost documentation disk.

Please let me know if you have any questions.

Thank you,

Scott Wilder
CERCLA Technical Enforcement Program
U.S. Environmental Protection Agency, Region 8
Currently located at:
1200 6th Ave. ORC-113
Seattle, WA 98101
tel. (206)553-6693

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)
